(3)

2007(C)
31/10/07

BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL, BENCH RAIPUR

O.A.No. /2001.

Applicant - SMT. CHITRALEKHA DIWAN, AGED 52 years.
W/o SHRI N.D. DIWAN,
ASSTT. TEACHER GOVT.PRIMARY SCHOOL,
MOHLAI, DISTT. DURG (C.G.).

VERSUS.

Non-applicants 1. The State Govt.of Chhattisgarh
through the Secretary,
School Education Department,
Mantralaya Dau Kalyansingh Bhawan,
(Old D.K.Bhawan) RAIPUR (C.G.).

2. The District Education Officer,
DURG (C.G.)

APPLICATION U/S 19 OF THE ADMINISTRATIVE TRIBUNAL ACT 1985

(49)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (s) No. 1354 of 2005

Petitioners : Bachelor of Education and another

Versus

Respondents : State Govt. of Madhya Pradesh (Now Chhattisgarh) & others

W. P. (s) No. 3360 of 2005

Petitioner : Balram Singh Verma

Versus

Respondents : State Govt. of Madhya Pradesh (Now Chhattisgarh) & others

W. P. (s) No. 3480 of 2005

Petitioners : Shailendra Bais & others

Versus

Respondents : State of Chhattisgarh & others

W. P. (s) No. 3544 of 2005

Petitioners : Ram Kumar Vaishnav and others

Versus

Respondents : State Govt. of Chhattisgarh & others

W. P. (s) No. 3545 of 2005

Petitioner : Smt. Sangeeta Sahu

Versus

Respondents : State Govt. of Chhattisgarh & others

W. P. (s) No. 3557 of 2005

Petitioners : Gopinath Kulmitra and another

Versus

Respondents : State Govt. of Chhattisgarh & others

W. P. (s) No. 3825 of 2005

Petitioners : Bhikam Lal Yadav & others

Versus

Respondents : The State Govt. of Chhattisgarh & others

W. P. (s) No. 3872 of 2005

Petitioners : Ramesh Bhojwani & others

Versus

Respondents : State Govt. of Chhattisgarh & others

W. P. (s) No. 4104 of 2005

Petitioner : Om Prakash Dewangan

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4105 of 2005

Petitioner : Chandra Prakash Shrivastava

Versus

Respondents : State Govt. of Chhattisgarh & another

W. P. (s) No. 4107 of 2005

Petitioner : Lok Nath Bhardia

Versus

Respondents : State Govt. of Chhattisgarh & another

W. P. (s) No. 4108 of 2005

Petitioner : Smt. Ratna Mishra

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4127 of 2005

Petitioner : Smt. Kamla Rajput

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4128 of 2005

Petitioner : Kewal Singh Jaiswal

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4129 of 2005

Petitioner : Rudranarayan Sinha

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4131 of 2005

Petitioner : Keturam Yadav

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4132 of 2005

Petitioner : Dular Singh Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4133 of 2005

Petitioner : Mahesh Kumar Dewangan

Versus

Respondents : The State Govt. of Chhattisgarh & another

51

W. P. (s) No. 4147 of 2005

Petitioner : Raghava Prasad Deshmukh

Versus

Respondents : State Govt. of Chhattisgarh & another

W. P. (s) No. 4154 of 2005

Petitioner : Shri Basant Ganpat Badhe

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4155 of 2005

Petitioner : Smt. Chitralekha Diwan

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4164 of 2005

Petitioner : Indra Kumar Manik

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4177 of 2005

Petitioner : Govind Prasad Chandrakar

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4179 of 2005

Petitioner : Ram Ashraya Singh Yadav

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4180 of 2005

Petitioner : Smt. Basanti Banjare

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4201 of 2005

Petitioner : Badrinarayan Tiwari

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4202 of 2005

Petitioner : Ku. Kanak Kumari Ramtake

Versus

Respondents : The State Govt. of Chhattisgarh & another

52

W. P. (s) No. 4203 of 2005

Petitioner : Deo Kumar Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4204 of 2005

Petitioner : Ramesh Kumar Indoria

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4205 of 2005

Petitioner : Suresh Kumar Indoria

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4206 of 2005

Petitioner : Ali Iman Khan

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4207 of 2005

Petitioner : Manoj Kumar Thakur

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4208 of 2005

Petitioner : Rajesh Kumar Sao

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4210 of 2005

Petitioner : Ishwar Prasad Dubey

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4211 of 2005

Petitioner : Smt. Saroj Meshram

Versus

Respondents : The State Govt. of Chhattisgarh & another

53

W. P. (s) No. 4212 of 2005

Petitioner : Smt. Geeta Gaharwar

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4302 of 2005

Petitioner : Sharad Kumar Das

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4303 of 2005

Petitioner : Chhatra Pal Lilhare

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4307of 2005

Petitioner : Narendra Kumar Sao

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4309 of 2005

Petitioner : Smt. Mangalbati Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4310 of 2005

Petitioner : Pannalal Verma

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4311 of 2005

Petitioner : Chait Ram Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4312 of 2005

Petitioner : Smt. Chhanni Verma

Versus

Respondents : The State Govt. of Chhattisgarh & another

54

W. P. (s) No. 4313 of 2005

Petitioner : Baboolal Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4334 of 2005

Petitioner : Deo Sharan Lal Dewangan

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4345 of 2005

Petitioner : Tameshwar Lal Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4346 of 2005

Petitioner : Alakh Ram Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4347 of 2005

Petitioner : Ajay Kumar Chandrakar

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4354 of 2005

Petitioner : Awadh Ram Verma

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4355 of 2005

Petitioner : Ghan Shyam Singh Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4356 of 2005

Petitioner : Smt. Shadna Bawanker

Versus

Respondents : The State Govt. of Chhattisgarh & another

55

W. P. (s) No. 4363 of 2005

Petitioner : Smt. Pratibha Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4364 of 2005

Petitioner : Smt. Khumeshwari Sharma

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4365 of 2005

Petitioner : Ram Lal Verma

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4366 of 2005

Petitioner : Sheo Ram Soni

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4368 of 2005

Petitioner : Lokesh Kumar Shrivastava

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4382 of 2005

Petitioner : Dhru Singh Mandvee

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4389 of 2005

Petitioner : Ganesh Ram Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4658 of 2005

Petitioner : Kamta Prasad Baghel

Versus

Respondents : The State Govt. of Chhattisgarh & another

56

W. P. (s) No. 4663 of 2005

Petitioner : Khorbhara Ram Nishad

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4665 of 2005

Petitioner : Bishe Lal Yadav

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4667of 2005

Petitioner : Dumar Das Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4668 of 2005

Petitioner : Doha Ram Sahu

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4695 of 2005

Petitioner : Chain Singh Thakur

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4721 of 2005

Petitioner : Smt. Shakti Khatri

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4770 of 2005

Petitioner : Kajar Ram Sori

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4771 of 2005

Petitioner : Ramesh Kumar Sharma

Versus

Respondents : The State Govt. of Chhattisgarh & another

(57)

W. P. (s) No. 4772 of 2005

Petitioner : Arjun Ram Patil

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4794 of 2005

Petitioner : Sushil Kumar Jaishwal

Versus

Respondents : The State Govt. of Chhattisgarh & another

W. P. (s) No. 4869 of 2005

Petitioner : Bharatlal Agrawal

Versus

Respondents : State Govt. of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Ajay Shrivastava, Advocate for the Petitioners.
Shri V.V.S. Moorthy, Dy. Advocate General with Smt. Anju Ahuja, Dy. Govt. Advocate for the respondents/State.
Shri L.S. Mandavi, Additional Director, School Education Department, Government of Chhattisgarh, Raipur is also present in the Court.

ORDER

(6th October, 2006)

1. Learned counsel appearing for the petitioners submits that while working as Assistant Teachers/Upper Division Teachers, the petitioners have gone on training to improve their qualifications on their own expenses and acquired B. Ed./B.T.I Examination Certificate.

2. The present writ petitions, being W.P.(s) Nos. 1354/2005, 3360/2005, 3480/2005, 3544/2005, 3545/2005, 3557/2005, 3825/2005, 3872/2005, 3872/2005, 4104/2005, 4105/2005, 4107/2005, 4108/2005, 4127/2005, 4128/2005, 4129/2005,

58

4131/2005, 4132/2005, 4133/2005, 4147/2005, 4154/2005, 4155/2005, 4164/2005, 4177/2005, 4179/2005, 4180/2005, 4201/2005, 4202/2005, 4203/2005, 4204/2005, 4205/2005, 4206/2005, 4207/2005, 4208/2005, 4210/2005, 4211/2005, 4212/2005, 4302/2005, 4303/2005, 4307/2005, 4309/2005, 4310/2005, 4311/2005, 4312/2005, 4313/2005, 4334/2005, 4345/2005, 4346/2005, 4347/2005, 4354/2005, 4355/2005, 4356/2005, 4363/2005, 4364/2005, 4365/2005, 4366/2005, 4368/2005, 4382/2005, 4389/2005, 4658/2005, 4663/2005, 4665/2005, 4667/2005, 4668/2005, 4695/2005, 4721/2005, 4770/2005, 4771/2005, 4772/2005, 4794/2005 and 4869/2005 involve similar facts and common question of law. Thus, these petitions are being disposed of by this common order.

3. According to learned counsel for the petitioners, the petitioners are entitled to two advance increments in view of the decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed./B.T.I. Examination Certificate on his own expenses, are

covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh

4. Learned counsel for the petitioners further submits that the facts and question of law involved in the present cases are squarely covered by decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioners.

5. Accordingly, the writ petitions are allowed in terms of the order passed in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioners have acquired B. Ed./B.T.I. Examination Certificate on their own expenses or not. No order as to costs.

6. A copy of this order be placed on record of other connected writ petitions.

Sd/-
Satish K. Agnihotri
Judge

Thakur